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BEFORE THE  
Federal Communications Commission

WASHINGTON, D. C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Policies and Rules Pertaining )  
to the Equal Access Obligations )  
of Cellular Licensees )

RM-8012

ORIGINAL  
FILE

TO: The Commission

COMMENTS OF THE COMPETITIVE  
TELECOMMUNICATIONS ASSOCIATION

The Competitive Telecommunications Association ("CompTel"), by its attorneys, hereby submits these comments in support of the Petition for Rulemaking filed on June 2, 1992 by MCI Telecommunications Corporation ("MCI") in the above-captioned proceeding. MCI asks the Commission to propose in a rulemaking proceeding that all cellular radio licensees be required to interconnect with interexchange carriers ("IXCs") pursuant to equal access rules which are both uniform and nationwide.

CompTel is the principal industry association of the nation's competitive interexchange telecommunications carriers, with approximately 120 member companies including large nationwide IXCs as well as scores of smaller regional carriers. As a result, CompTel has a direct interest in this proceeding.

As MCI notes (at 3), the Modification of Final Judgment ("MFJ") governing the AT&T divestiture subjects the cellular affiliates of the Bell Operating Companies ("BOCs") to equal access obligations for both landline and cellular services. See United States v. AT&T, 552 F. Supp. 131, App. B (D.D.C. 1982). As regards landline subscribers, the Commission has previously

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adopted rules subjecting all local exchange carriers ("LECs") to equal access obligations which trace their origin to the MFJ. See MTS/WATS Market Structure, 100 FCC 2d 860 (1985). In line with that precedent, the Commission should now propose rules to ensure that all cellular licensees, not just BOC affiliates, implement equal access for cellular subscribers.

In at least one other area, the Commission has subjected all LECs to MFJ-originated requirements with singular success. With respect to switched transport services, the MFJ (App. B at Section B.3) required the BOCs to provide such services at an equal charge per unit of traffic. In light of this requirement, the Commission granted an indefinite waiver of its own switched transport rate structure applicable to the entire LEC industry. See MTS/WATS Market Structure, CC Docket No. 78-72, Phase I, FCC 85-57, 50 Fed. Reg. 9633 (1985). The Commission's equal charge rule became a foundation stone for the emergence of competitive IXC's during the 1980s. By extending reasonable equal access obligations to all cellular licensees, the Commission would promote interexchange competition within the cellular radio industry for the first time.

The rulemaking requested by MCI also would promote broader public interest objectives. An overriding goal of the Commission's pro-competition policies in numerous market segments over the past several decades has been to maximize the service and provider options available to consumers. In a speech last year, Chairman Sikes identified "customer choice" as a fundamental policy objective of the Commission. He noted that "[f]irst and

foremost, we are emphasizing the primacy of fostering maximum possible consumer choice, and will continue to do so." See Remarks of Chairman Alfred C. Sikes Before the Association for Local Telecommunications Services ALTS '91 Conference (May 23, 1991).

The Commission's commitment to protecting and expanding consumer choice is evident in numerous recent decisions. As one example, the Commission's actions to implement the Telephone Operator Consumer Services Improvement Act have been directed at the fundamental statutory and regulatory goal of ensuring that end users are able to make informed choices among competing operator services providers. E.g., Policies and Rules Concerning Operator Service Providers, CC Docket No. 90-313 Phase II, DA 92-615, rel. May 19, 1992, at ¶2. As another example, the Commission justified its recent decision to liberalize the provision of service by separate satellite systems on the ground that it would "broaden[] customer choice." Separate Satellite Systems, 7 FCC Rcd 2313, 2313 (1992). As still another example, the Commission recently defended its decision to introduce 800 number portability as "increas[ing] customer choices." Bell Atlantic Telephone Companies, 7 FCC Rcd 2955, 2956 (1992). One more illustration is the Commission's proposal last year in CC Docket No. 91-141 to expand interconnection opportunities for competitive access providers in order to, inter alia, "produce substantial benefits through expanded customer choice." Expanded Interconnection With Local Telephone Company Facilities, 6 FCC Rcd 3259, 3259 (1991). These are just a few recent cases in a litany of Commission

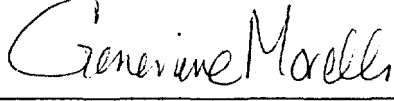
decisions over many years which find their raison d'etre in expanded consumer choice.

As MCI demonstrates (at 3), cellular licensees who are not governed by the MFJ have generally declined to furnish equal access voluntarily for the benefit of their subscribers. Consequently, all subscribers of those licensees have been deprived of any choice in the selection of the IXC to carry their interexchange cellular calls. Further, the adoption of equal access obligations for all cellular licensees will enhance IXC competition within the cellular market. Numerous IXCs would have incentives to market their services competitively to cellular subscribers and to devise new services targeted at cellular users. In addition, IXCs might be able to offer significant savings to business and residential customers who consolidate their landline and mobile interexchange traffic. Just as equal access proved to be a pre-condition for the emergence of competitive IXCs in the landline interexchange marketplace, equal access is necessary for cellular subscribers to realize substantial benefits from interexchange competition.

Therefore, CompTel submits that the Commission should grant MCI's petition.

Respectfully submitted,

COMPETITIVE TELECOMMUNICATIONS  
ASSOCIATION

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September 2, 1992

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CERTIFICATE OF SERVICE

I, Jenny Lee Lewis, do hereby certify that I have caused a copy of the foregoing "Comments of the Competitive Telecommunications Association" to be served on this 2nd day of September, 1992, by U.S. mail, first-class postage prepaid, upon the following:

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